



Department of Consumer & Industry Services

Kathleen M. Wilbur, Director

**DATE:** April 17, 2001

**TO:** Medical Directors; Medical Control Authorities; Life Support Agencies

**FROM:** John F. Hubinger  
Emergency Medical Services Section

**SUBJECT:** Attorney General Opinions 7056 and 7072

Within the last year, the Michigan Attorney General has issued two opinions which address matters relating to emergency medical services. We would like you to have information about these opinions.

Opinion 7056, issued on June 20, 2000, discusses the authority of a guardian of a developmentally disabled adult ward to sign an advance directive under the Michigan Do-Not-Resuscitate (DNR) Procedure Act (Act 193, PA of 1996). The opinion concludes that only adults of sound mind may sign a DNR order and may do so only on their own behalf. Because of this, it further concludes that a court appointed guardian of a developmentally disabled adult ward, **does not** have the authority to sign a DNR order on behalf of a disabled adult ward when that ward is **not** of sound mind.

Opinion 7072, issued on January 18, 2001, concludes that an ambulance operation, when transporting an individual from one health facility to another, must follow any protocols adopted by the local Medical Control Authority (MCA) under Part 209 of the Public Health Code (Act 368, PA 1978, as amended) regardless of the transported person's status as either an emergency or non-emergency.

Pursuant to this Opinion, each MCA has a choice of whether or not to develop a protocol governing the transport of non-emergency patients. If such protocols are developed by an MCA, and approved by our department, an ambulance operation is required to follow the protocols established.

Our department will be developing a model protocol to assist MCA's which desire to adopt a protocol for non-emergency transports in their jurisdiction. We will advise you when the model protocol is available.

For your information, we have attached copies of both opinions with this communication. If you have questions about these opinions, please contact me at 517.241.3020.

Attachments